K

A Treatise concer-
nynge the diuisi-
on betwene
the spi-
ritu-
altie and tem-
poraltie.

This lyttell boke declareth dyuers cauſes/ wherby diuiſion hathe ryſen betwene the ſpiritualtie and temporaltie: and partly ſheweth, howe they maye be brought to a vnite. And if they that may do moſt good towarde the ſayde vnite/ wyll take the articles of this tretyſe/ as lytel tytlynges to bryng ſome weightier thynges to theyr mynde concernyng the ſame, and thanne by theyr wyſedomes wyll adde them herevnto/ and (as they ſhall thynke neceſſarye) to ſee them all put in due execution: I thynke veryly/ that in ſhorte tyme they ſhall bryng this matter to good effecte/ to the honoure of god/ & to the comon welth and quietnes of all the kynges ſubiectes.

Dyuers articles/ whiche haue bene a speciall cause of the diuision that is betwyxte the spiritualtie and the temporaltie in this realme.

The fyrste Chapiter.

Who maye remembre the state of this realme nowe in these dayes/ withoute great heuynes and sorow of herte? For there as in tymes paste hath reygned charite, mekenes, concorde, and peace, reygneth now enuye, pryde/ diuision, and stryfe: and that nat onely betwene laye menne and laye menne, but also betwene religyous and relygious, and betwene preestes and relygious, and that is yet more to be lamented, also betwene preestes and preestes. Whiche diuision hathe bene so vniuersall, that it hath bene a great vnquietnes and a great breache of charitie through all the realme: and parte of it hath ryseu by reason of a great singularite, that religious persons and prieste haue hadde to theyr state of lyuynge/

wherby many of them haue thoughte theyr ſtate moſt perfite before all other. And ſome of them haue therby exalted them ſelfe in theyr owne ſyght ſo hygh, that they haue ryſen into ſuche a ghoſtly pryde, that they haue in maner diſdayned and diſpiſed other, that haue not lyued in ſuche perfection, as they thynke they do. And of this hathe folowed, that ſomme of them haue hadde vnſyttynge wordes of the other callyng them flatterers, diſſimulers, and hipocrites: And they haue called the other agayne proude perſons, couetous, vayne gloryous, and louers of worldely delytes, and ſuche other.

¶ And an other parte of this diuyſion hath ryſen by dyuerſities of opinions, that haue ben vpon the auctorities, powers, and iuriſdiction of ſpirituall men amonge them ſelfe. And vpon theſe dyuyſions ſome laye men haue in tyme paſt fauored the one parte, and ſome the other: wherby the people haue greatly be inquyeted. But I wote not fully by what occaſion it is, that nowe of late the great multitude of all the laye peo-

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ple haue founde defaulte/ as well at prestes as relygious, so ferfourthe that hit is nowe in maner noted through all the realme/ that there is a great diuision betwene the spiritualtie and the temporaltie. And verily it is great pytie/ that suche a noyse shuld sprynge and goo abrode. And some alledge dyuers causes why hit is so noysed. Fyrste they saye, that neyther preestes nor relygious kepe the perfection of theyr order to the honoure of god and good example of the people, as they shuld do: but that some of them procure theyr owne honour/ and call it the honour of god, and rather couet to haue rule ouer the people than to profyte the people. And that some couet their bodyly ease and worldely welthe/ in meate and drynke, and suche other/ more than commenly any temporal man dothe. And that some serue God for a worldly laude, and to be magnified therfore/ more than for the pure loue of god. And somme lay men saye farther/ that though religious men haue varied with religious/ and that some prestes haue varied also with religious in some pointes

concernynge the preemynence of theyr perfection, as is sayd before: that yet in suche thynges as pertayne to the mayntenaunce of the worldly honour of the churche and of spirituall men / whiche they call the honour of god, and in suche thynges as pertayn to the encrece of the ryches of spirituall men / religious or seculer, they say they agree all in one. And therfore they say, that all spirituall men / as to the multitude, be more diligent to enduce the people to suche thynges, as shall brynge riches to the churche, as to gyue money to trentals, and to founde chaunteryes and obites, and to obteyne pardons, and to go vpon pylgremages / and suche other: than they be to enduce them to the payment of theyr dettes, to make restitutions for suche wronges as they haue done, or to do the werkes of mercy to theyr neyghbours that be pore and nedy / and that sometyme be also in ryght extreme necessite.

¶ And for as moche as it is moste commenly sene / that amonge a great multitude there be many, that worke rather vppon wyll than vpon reason, And that though

though they haue good zele / yet many tymes they lacke good ordre and discretion, whiche is the mother of all vertue. Therfore some persons, thynkynge that worldely honoure and rycheſſe lettethe greatly deuocion, ſo moche that as they thynke / they canne nat ſtande to gyther / haue holden opinion, that it is not laufull to the churche to haue any poſſeſſions. And some takynge a more meane waye therin / haue ſayde / that (as they thynke) it is laufull and alſo expedient, that the churche haue poſſeſſions: but they thynke / that the greatte haboundance / that is in the churche / doth great hurte / and induceth in many of them / a loue to worldely thynges, and lettethe and in maner ſtrangleth the loue of god. And therfore they thynke, that it were good to take awaye that is to moche, and to leue that is ſufficient. And ſome alſo / as of a policie to pulle ryches fro the churche, haue inveyed ageynſte all ſuche thynges as bryngе ryches to the churche. And bicauſe great riches haue comme to the churche for prayenge for ſoules in purgatorie, haue by wordes

affirmed / that there is no purgatorie: And that grauntynge of pardons riſeth of couetyſe of the churche / and profyteth not the people / and that pylgremages be of no effecte / and that the churche may make no lawes / and ſuch other thynges / as foundynge of chaunteris, makynge of brotherhedes / and many mo. Wherin they ſhewe outwardly to ryſe agaynſt al the thynges before reherſed, and to diſpyſe them, and yet they know and beleue in theyr hartes, that all theſe thynges be of them ſelfe right good and profytable / as they be in dede: if they were ordered as they ſhulde be. And ſomme perſones there be / that throughe grace fynde defaute onely at the abuſion and myſſe order of ſuche thynges / and ſpeke nothynge ayenſt the thynges ſelfe / neyther of purgatorie, pylgremages / ſettynge vppe of ymages, or ſuche other. For they knowe well, they be ordeyned of god, and that the myſorder ryſethe onely of man for couetyſe, ſingularite, or ſome other ſuche lyke defaulte, through perſwaſion and diſceyte of the gooſtely enemye. And thoughe ſome men haue myſta-

mystaken them selfe in the sayd articles, yet dyuers other haue sayd/that if they had ben well and charitably handeled/ they myghte haue benne refourmed/ and paraduenture saued in body and in soule.

¶ And vpon al these matters there is ryssen a great opinion in the people/in maner vniuersally, that in punysshyng and correccyons all these persons before rehersed shuld haue lyke punysshment/if spirituall men myghte haue free lybertye in that behalfe. And that spirituall men wolde, if they coulde/as well put them to silence/that speake ayenst the abusion or disordre of suche thynges, as be before rehersed,as them that speke ayenste the thynge selfe. And many other murmours & grudges besyde these that be before rchersed, be amonge the people/mo than I can reherse nowe:but yet aboue all other me thynketh that hit is most to be lamented and sorowed, that spiritualle men/knowynge these grudges and murmuracions amonge the people, and knowynge also that many laye men haue opinion/that a great occasion

therof ryſeth by ſpiritual men, and that they do no more to appeaſe them, ne to ordre them ſelfe in no other maner for the appeaſynge of them than they doo. For al that they do therin moſte cõmenly is this: they take hit, that they that fynde defaute at ſuche abuſions and diſordre, loue no preſtes: and therfore they eſteme, that they do of malyce all that they do, to diſtroye the churche, and to haue theyr goodes and poſſeſſions them ſelfe: And therfore they thynke it a good dede to ſe them punyſſhed, ſo that they ſhall not be able to bryng theyr malyce to effect. And therfore haue they punyſſhed many perſons, which moch people haue iuged them to do vpon wyl, and of no loue vnto the people. And though ſpiritual men are boũde in this caſe, for appeſing of theſe opiniõs in the peple, whiche be ſo daũgerous as well to ſpirituall men, as to temporal men, that many ſoules ſtonde in great peryl therby, not onely to reforme them ſelfe, and to leue and auoyde all thynges, that gyue occaſion to the people, ſo to offende, that may by charyte be omytted and lefte, but alſo to faſte,

faſt, pray, weare the heare/ gyue almes/ and to doo other good dedes for them ſelfe and for the people, cryenge contynually to our lorde/ that theſe diuiſions may ceaſſe/ and that peace and concorde may come agayne in to the worlde: yet it appereth not that they do ſo, but that they rather contynue ſtyll after the olde courſe, pretendynge by confederacies and worldely polycies/ and ſtreyte corrections/ to rule the people, and that is greatly to be lamented/ and hit wyll be harde for them to bringe hit ſo aboute. But if they wolde a lyttell meken them ſelfe/ and withdrawe ſuche thynges as haue brought the people into this murmoure and grudge: they ſhulde anone bringe a newe lyghte of grace into the worlde, and bringe the people to perfecte loue and obedience to theyr ſuperyours. And here me thynketh I might ſaye farther in one thynge, and that is this, that as longe as ſpirituall rulers wyll eyther pretende/ that theyr auctoritie is ſo hygh/ and ſo immediatly deriued of god/ that the people are bounde to obeye them/ and to accepte all that they

they do and teache withoute argumentes teſiſtence or grudgynge ayenſt them, or that they wyll pretende, that no defaulte is in them / but in the people, and wyll yet contynue ſtylle in the ſame maner / and after the ſame worldly countenance / as they do nowe / and haue done late tyme paſte: The lyght of grace that is ſpoken of before, wyll not appere, but that bothe parties ſhall walke in this darkenes of malyce and duiſion / as they haue done in tyme paſte.

¶ An nother occaſyon of this dyuyſion. The ſcconde Chapyter.

There haue bene made in tyme paſte many good lawes by the churche for the good ordre of ſpiritualle menne, whiche were ryght neceſſarye to be kepte to this day: which nowe be altered eyther by a lawe made to the contrarye / or by ſomme euylle cuſtome brought vp and ſuffered ageynſt them. And I ſhal brefly recite ſome of them, as

I haue

I haue founde them wrytten by other before this tyme.

¶ Fyrste there was a lawe made / that a man well approued in his werkes and doctrine shulde be made a byssshop, and not a chylde ne a carnall man / or that is vnlerned in spirituall thinges.

¶ Also that nothynge shulde be gyuen in any place for burialles, confession / gyuynge of ordres / ne for any of the sacramentes, nor for any promocion.

¶ Also that byssshops and preestes shuld not be atte vayne worldely syghtes or pleys, ne delyte in them.

¶ That it is not laufull for a byssshoppe or preeste to be absente on the sondaye, but to be at Masses / and that fastynge.

¶ That no preest shuld eate flesshe from Quinquagesime to Ester.

¶ That preestes shuld faste aduent.

¶ That byssshoppes and preestes / and especially monkes and religyous, shall studye in heuenly scriptures, all lernynges and practises of litigious thynges lefte and sette aparte.

¶ That the byssshop shall euery yere go aboute his dioces with great diligence and

and effecte.

¶ That heuenly scriptures be redde at the byssshoppes table.

¶ That a clerke fulle of foule wordes shall be putte fro his offyce.

¶ That the wages of clerkes shall be gyuen after theyr merites.

¶ That prestes shall eschewe feastes at mariages.

¶ That clerkes shal com in no tauernes.

¶ That a byssshoppe shall haue poore apparelle / lodgynge, and table, and fedynge for poore men.

¶ That a byssshoppe shall not lyghtely struc for transytorie thynges.

¶ That clerkes shuld rather studie, that theyr bretherne that vary, be brought to peace / than to iudgement.

¶ That a clerke shulde instructe euerye manne with his wordes / and to the entent that poore men shulde not be greued, that they shulde gette theyr lyuyng with somme handye crafte / as saynte Paule dydde.

¶ That clerkes shall not take vppon them the actes or procuracyons of seculer menne.

That

¶ That laye men ſhall not make clerkes theyr factoures or gouernoures vnder them.

¶ That monkes after the counſaylle of Calcidonence/ ſhall be holly entendynge to faſtynges and prayers in the places where they renounced the worlde, and that they forſake not theyr monaſteryes for no buſynes of the churche ne of the worlde.

¶ That clerkes that cuſtomably be players at tables or hunters ſhalbe prohibyt of houſelynge. And ſaynt Johñ Chriſoſtome vpon Mathewe the. xxi. chapiter ſayth, that as of the temple cometh out all goodnes, ſo of the temple all euyl procedeth. And therfore hit foloweth, that if preeſthode be hoole, all the church floriſſheth: And if it be corrupte, the fayth and vertue of the people fadeth alſo and falleth away: as if thou ſee a tree that hath wethered leues/ thou knoweſt ther by that there is a defaute in the roote, ſo whan thou ſeeſt the people lyue oute of good ordre/ knowe it for certayne, that theyr preſthode is not hole ne ſounde. And therfore if it were aſked/ where is

nowe the deuotion and obedience of the inferiours/ the defence of knyghtes/ the peace of Chriſten princis, to the ende that they beynge at a concorde/ myghte reſiſte and feyght agaynſt ſiſmatikes and infydels, recouerynge ageyne regions, whiche they haue nowe taken fro chryſten men/ and peruerted them: It myght be anſwered/ that they be gone through brekynge of ſuche lawes.

¶ Many of theſe ſayenges and dyuers other here omytted/ be the ſayenges of Johñ Gerſ chanceller of Paris, in a tretice that is called in latin Declaratio defectuum virorum eccleſiaſticorum. In whiche treatyſe he recyteth alſo dyuers abuſyons, wherof I ſhall recyte parte vnder the maner of queſtions for ſhortenes, as he doth, as wel cõcernyng other countreys as this, that they maye the rather be knowen and auoyded.

¶ Fyrſt he aſketh this queſtion. What it auayleth/ or what profiteth the church the ſuperfluous pompe of prelates and cardinalles. And what meaneth hit alſo, that one man hath foure, fyue, vi. or viii. beneſices/ wherof he is not percaſe

worthy

worthy to haue one, wherwith .viij. per-
sons might be susteyned, that gyue them
selfe to lernyng, prayer, & to the seruyce of
god? Here (sayth he) take hede. Whe-
ther hors, dogges, brydes, and the su-
perfluous company of men of the chur-
che shulde rather eate the patrimonie of
the churche, than the poore menne of
Christe, or that it be expended in the ser-
uice of god, and to the conuersion of in-
fidels, or in suche other werkes of mer-
cye and pietie? O howe many places
(sayth he) ordeyned for the seruice of
god in Rome and elles where, be nowe
through the negligence of prelates deso-
late & dystroyed? O howe is it sayth he,
that the swerde of holye churche, that
is the sentence of Excommunication, to
her owne dispyte and reproofe, is soo
lyghtly drawen out: and for so lyttell a
thynge (as some tyme for dette) is soo
cruelly executed vpon poore men? What
is it also, that one cause vpon a smalle
thynge shall contynue so many yeres?
and why is not that length of tyme,
whiche is the spoyler and robber of
poore men, in some conueniente maner

cutte away? why is it not rather mercifully appoynted to the Jewes conuerted/ somme reasonable lyuynge of theyr owne goodes rather than by extreme necessite to compelle them to forsake the fayth agayne, and to reproue christen men/ that they be cruelle and haue no pitie? Judge ye also (sayth he) whether so great varietie of ymages and pictures be expedient/ and whether they doo not peruert som simple persons to idolatrie?

¶ But here it is to be noted, that Johñ Berson fyndeth no defaulte in settynge vp of ymages, for he commendeth it in many places of his werkes/ but he fyndeth defaute at the varietie of them in theyr peyntynge and garnysshyng with golde/ syluer, precious stones, and suche other, with so great ryches about them, that some symple persons myght lyghtly be enduced to beleue some special worlynge to be in the ymages, that is not in them in dede. And so he fyndeth defaute at the abuse of ymages: and not at the settynge vppe of ymages. Discusse also (sayth the sayd Johñ Berson) whether so large exemptions as somme haue, be

expe-

expedient? and whether it be profytable so to leade them fro theyr ordinaries? Serche also saythe he, if there be not some apocrifate wrytynges, or prayers, or hymnes by processe of tyme (somme of purpose, some by negligence) brought vp to the hurte of the faythe? but than he aſketh: whether all prelates and preſtes be gyltie in the articles aboue reherſed, and he ſayth our lorde forbede it. For lyke as Helyas, whan he had went that all the people of Iſrael hadde bene fallen to ydolatrie, herde our lorde ſaye, I haue yet reſerued ſeuen thouſand mē, that neuer bowed theyr knees before Baale: ryghte ſo it may be ſayde, that nowe in theſe dayes our lorde hath reſerued ryghte many good menne bothe ſpirituall and temporall, that be not gyltie in any of the ſayde articles, ne yet partie in any maner to the ſayd diuiſyon, whiche throughe helpe of grace, and with the fauoure of the ſuperiours ſhall be ryghte welle able to brynge the other to good accorde.

¶An other occasion of this dyuision. The thyrde Chapiter.

THere be many lawes and decrees made bi the church wherin it is recited, q laici sunt clericis infesti / that is to say, that lay men be cruel to clerkes, and therfore the churche hath therupon made dyuers lawes to oppresse that crueltie / as in them appereth. And therupon hath folowed, that whan prestes haue red tho lawes, they haue iuged therby / that their rulers, haue knowen some great crueltie in laye men agaynste clerkes. Forelles they wolde not haue put tho wordes into their lawes, and that hath caused many spirituall menne to adiudge the more lyghtly, that suche thynges as laye men haue done concernynge them: hath rather ben done of malice and cruelti, than otherwise, and that iudgement in processe of tyme hath caused them to confedre them selfe togyder, to resiste that malyce / whiche they many tymes by occasion of the sayde wordes, haue

haue iudged to be greatter than it was, and haue many tymes recyted the wordes, affermynge them to be true: and therfore they haue extended all lawes, that be made agaynst laye men the more extremely ageynste them: Wherby the people in many countreyes haue bene so ofte greued and oppressed, that they haue grutched marualloufly at it. And whan laye men haue redde tho wordes, they haue take therby, that the makers of tho lawes, whiche represent in them the estate of all spirituall men, haue iudged that the makers therof thoughte that laye men were cruell agaynst them: and where crueltie is iudged to be, there is no loue. For lyke as nothyng helpeth more to norisshe loue in a man, than that he maye knowe, that the other louethe hym, though he neuer receyued any profyte by hym: so nothynge nourysshethe more diuision and discorde, than that a mā know that an other loueth him not, though percase he know, that he neuer dyd hym hurt, ne entendeth not to doo. And therfore whan laye men haue by tho wordes taken occasyon to thynke, that

ſpirituall men haue adiuged crueltie in them they haue anon iuged / that ſpirituall men loue them not / and that hath in their hartes broke the charitable loue and obedience, that they ought to haue to ſpirituall reulers : and thoughe the occaſion of this artycle be not vniuerſall (for all laye men haue not ſene tho wordes) yet the reporte of tho wordes hath come to the knowlege of many lay men, as well by ſpirituall men as by temporall men, that haue redde them : whiche by longe continuaunce hath nouryſhed one great branche of this diuiſion, whiche I ſuppoſe veryly wylle neuer fully be appeaſed, tylle the ſpiritnall gouernours wyll be as diligēt to make lawes / that ſhall brynge in mekenes among ſpirituall men / and that may enduce them charitablye to ſuffre ſome tyme them / that offende them / as they haue ben in tyme paſt to make lawes to ſet ſpirytuall men in ſuche caſe / that they may correcte all them and kepe them vnder / that wyll any thynge reſiſte them. And lyke as many ſpirituall men haue myſordred them ſelfe ageynſte laye men, not onely

in ſuche thynges as be partely touched before, but alſo in wordes / affermynge ſomtyme, that laye men loue not preſtes: ſo in lykewyſe ſome laye men myſordre them ſelfe in wordes agaynſt preſtes / and wyl ſaye / that there is no good preſte, or that all preſtes be nought: and ſome / as it is ſayd / wyl cal them ſomtyme horeſon preeſtes. And if all theſe wordes were prohybyte on bothe ſydes vpon greatte paynes, J thynke it wold do great good in this behalfe.

¶ An other cauſe of this dyuyſion.

The fourth Chapiter.

THe harde & extreme lawes that are made for layenge vyolent handes vppon clerkes / and ſuche other ſpyrytuall perſones / hath benne an other cauſe of this diuiſion. For they be verye parciall / as to the reders wyll appere / and they be alſo ſo generall /

that nether kynge nor lorde be not excepted in them/ but that they ſhulde goo to the pope to be aſſoyled. And the ſayde lawes be. xvij. q. iiij. ſi quis ſuadente diabolo et ex. de ſentenc. excómunicac. ca. Non dubium, et ca. mulieres/et Ca. peruenit: et ca. ea noſcitur. & in many other chapiters there, et ex. de ſentenc. excommunicac. li. vi. ca. religioſo. And theſe lawes be ſuche, that if a manne in violence lay his hande onely vpon a clerke/ that he is accourſed: but thoughe a clerke bete a laye manne wrongefully/ and with violence he is not accourſed. And this parcialyte hath done greatte hurte.

¶ An other occaſion of this diuiſion. The fyfte Chapiter.

THoughe there be dyuers good and reaſonable artycles ordeined bi the church to be redde openlye to the people at certayn dayes by the churche therto aſſygned, which commenly

menly is called the generall ſentence: yet many curates and theyr pariſſhe preſtes ſometyme rede onely parte of the artycles, and omytte parte therof, eyther for ſhortnes of tyme/or els to take ſuche artycles as ſerue mooſte to theyr purpoſe. And ſomtyme, as it is ſayd/they adde other excõmunications after their mynde/ that be not putte in to the ſayde generall ſentence. And whan the artycles be ſo choſen out, they ſounde to ſo great parcialite and fauour for ſpirituall men, eyther for paymente of tythes, offerynges/ mortuaries, and ſuche other duetyes to the churche, or for the mayntenaunce of that they calle the lyberties of the churche, as that no preeſte nor clerke ſhall be putte to aunſwere before laye men/ ſpecyally where theyr bodyes ſhulde be arreſted, or that no impoſitions ſhulde be layde vpon the churche by temporall power, or ageynſte them that with violence lay handes vpon preeſt or clerke, or ſuche other: that the people be greatly offended therby, and thynke great parcialite in them, and iudge them rather to be made of a pryde and couetyſe of the

churche: than of any charite to the people, wherby many doo rather dyſpyſe them than obeye them. And J ſuppoſe veryly, that this diuiſyon wyll neuer be perfytely and charitably reformed and broughte to good accorde, tyll the people come to this poynte, that they ſhall greatly feare and drede to ronne in to the leeſte cenſure of the churche. And that wyll neuer be, tyll the heedes ſpyrytuall wyll reformme them ſelfe, and ſhewe a fatherly loue vnto the people, and not extende the ſentences of the churche vppon ſo lyghte cauſes, and vppon ſuche parcialyte, as they haue doone in tyme paſte. And if they wyll reformme theſe poyntes before reherſed, and ſomme other hereafter folowynge, J ſuppoſe veryly, the people wylle gladdely here them and folowe them. For than, as the goſpelle ſaythe, they be theyr very ſhepardes. Wherfore if it were ordeyned, as well by auctorite of parlyamente as of conuocation, that ſuche artycles ſhulde be deuyſed and putte in to the generall ſentence, that ſhulde ſtyrre as well ſpyrytuall

tuall menne / as temporalle men, to loue vertue, and flee vyces, to loue trouthe and playnneſſe / and to flee falſehoode and doublenes / And that none vppon a payne ſhulde adde or dymynyſhe any thynge concernynge the ſayde artycles: I thynke it wolde helpe moche to make a good agrement of this diuiſion / and to contynue the ſame / with loue and drede betwixte the reulers ſpirituall and the people, as there oughte to be. And if lyke articles were deuyſed to refrayne ſpirituall menne fro gyuynge hereafter any ferther occaſion to this diuiſion, or any other lyke: and they to be redde at viſitations, Seenes, and ſuche other like places, where prieſtes aſſemble by commandemente of theyr ordinaries, with certayne peynes to be appoynted by parlement and Conuocation: I thynke hit wolde brynge many thynges in to good order, and helpe moche to a good reformation of this diuiſion.

¶ Another occaſyon of this dyuyſion. The. vi. Chapyter.

An

AN nother occasyon of this diuision hath partely rysen bi temporal men/that haue desyred moche to haue the familarytie of preestes in theyr games and disportes/ and haue vsed to make moche more of them that were compenable / than of them that were not so/ and haue called them good felowes and good companions. And many also wolde haue chapleyns, whiche they wolde not onely suffre, but also commande to go on huntynge/ hauking/ and suche other vayne disportes. And some wolde let them lye amonge other laye seruauntes/ where they coulde neyther vse prayer nor contemplation.

¶ And some of them wolde suffre them to go in lyueries, not conuenyent in colour for a preest to weare, and wold also many tymes set them to worldly offyces, as to be bayliffes, receyuours/or stewardes: and than whan they haue by suche occasyon bene moche beaten / and greatly exercysed in suche worldly busynes, so that the inwarde deuocion of the harte hath ben in them as colde and

as

as weke in maner, as in laye men, yet if any benefyce hath fallen voyde of theyr gyft, they wolde preferre them to it / eyther as in recompens of theyr busynes and labours, or for that they were good companions: rather than another good deuoute man, that percase is lerned, and kepeth hym selfe fro suche worldely vanyties and ydle company, or that is disposed somtyme to admonysshe charytably suche as he is in company with, of suche defautes as he seeth or hereth of them, and that fewe mē do loue to here: And therfore wyll they preferre them that wyl let them a lone. And yet whan they haue done so, they wyl anone speke euyll of prestes / and reporte great lyghtnes in them / and lyghtly noote one preste with an other prestes defaute, and that whan they haue bene partly occasioners to theyr offences them selfe, as it is sayd before. And this demenor hath through a longe contynuaunce norysshed somme parte of this dyuysion, and so wyll it do as long as it continueth. And also where by the lawe, prestes oughte to be at the churche on sondays and holy dayes, and

helpe forthe the ſeruyce of god in the quere, & ought alſo whan they be there, to be ordred by the curate: yet neuer the leſſe many men that haue chappleynes/ wyll not ſuffre them to come in the parysshe churche, and whan they be there, they wyll nat haue them ordered by the curate but after them ſelfe: ne ſee them be in the quere, but ſendeth them many tymes on other errandes / and that in worldly matters, as cuſtomably as they doo other ſeruauntes: and many ſuche chapleynes ſhewe them ſelfe euidentely by theyr diligence in that behalfe, to be better contente to do that buſynes / than to be in the quere / and that maketh the curates and the neyghboures bothe to thynke a great lyghtnes in them, and do diſcõmende them for it: and whan they here of it they be alſo diſcontented, and theyr mayſters bothe, and ſay the pariſſhens haue nothynge to do with it / and commenly other chappleynes wyll take parte in ſuche matters: wherupon dyuers grudges and variances haue ryſen in many places that haue done greatte hurt in this behalfe. And as it is in this

caſe

caſe of chapleynes, and ſeruyng prieſtes/ ſo it is alſo of chantry prieſtes & brotherhoode prieſtes in many places. And as it ſemeth theſe articles myghte be holpen thus/ that is to ſay, that it be prohibited vpon a payne/ that no prieſt ſhall hereafter cuſtomablye vſe huntynge, hawkynge, cardes, dyce, nor ſuche other games vnſyttynge for a preeſte, though percaſe he maye as for a recreacion vſe ſome honeſt diſportes for a tyme: ne cuſtomablye vſe the ale houſe or tauerne. And if any prieſte vſe any ſuche vnlaufull games or other demenour, not conuenient for a prieſte, ſo mocche that the people be offended by it, and fynde defaut at it: that than if he be warned therof by an abbot and a Juſtyce of the peace of the ſhire, where he is dwellynge, and yet he do not reforme hym ſelfe: that than beſide the ſayde peyne, he be by conuocation ſuſpended fro miniſtryng the ſacramentes, and be diſabled to take any ſeruice/ tyll he be enhabled agayne by the kynge and the ordinarie. And that it be farther enacted/ that no man ſhal haue a chapleyne hereafter, but he haue a ſtondynge

dynge house, and that onely in is stondynge house/and none to haue a rydyng chapleyne vnder the degree of a barone, and that he that hath a stondynge house/ and hath also a chapleyne, shall vppon a payn prouide for his chapleyn a secrete lodging with locke and key, that he may lodge fro the commen recourse of the laye seruantes, and vse hym selfe therin conueniently in redynge, prayer, or contemplation / or suche other labours and busynes as be conuenyent for a preeste to vse.

¶ An other cause of the sayd dyuysion

The seuenth Chapyter.

N other occasyon of the sayd dyuysion hath benne / by reason of diuers sutes, that haue ben taken in the spiritual courtes of office, that is called in latyn/ ex officio : so that the partyes haue not knowen who hath accused them, and therupon they haue somtyme bene caused to abiure in causes of heresies : somtyme to do penaunce, or

to pay great ſommes of money for redemyng therof, which vexacion and charges the partes haue thought haue come to them by the iudges and the offycers of the ſpirituall courte: for they haue knowen none other accuſers, and that hath cauſed moche people in diuers partyes of this realme to thynke great malyce and parcyalyte in the ſpirituall iudges. And if a man be ex officio broughte before the ordinarie for hereſy, if he be notably ſuſpected of hereſie: he muſte purge hym ſelfe after the wyl of the ordinarie, or be accurſed, and that is by the lawe, extra de hereticis. ca. Ad abolendam. And that is thoughte by many to be a very harde lawe, for a man may be ſuſpected and not gyltie, and ſo be driuen to a purgation withoute proſe or without offence in hym, or be accurſed: and it appereth de hereticis. li. vi. in the chapiter Jn fidei fauorem, that they that be accurſed and alſo partyes to the ſame offence, may be wytnes in hereſy: and in the chapter accuſatus perag. licet, it appereth, that if a man be ſworn to ſay the trouthe concernynge hereſye, as well of

hym ſelfe as of other / and he fyrſte confeſſeth nothynge, and after contrary to his fyrſte ſayenge he appeleth bothe hym ſelfe and other: if it appere by manyfeſte tokens, that he doth it not of lightnes of mynde / ne of hatred / nor for corruption of money: that than his wytnes in fauoure of the faythe ſhall ſtonde, as well ageynſte hym ſelfe, as agaynſte other: and yet hit appereth euydently in the ſame Courte, and in the ſame matter, that he is a periured perſone.

This is a daungerous lawe / and more lyke to cauſe vntrewe and vnlawfulle men to condempne innocentes / than to condempne offenders. And it helpethe lyttell, that if there be tokens, that it is not done of hatred / nor for corruption of money: that it ſhulde be taken: for ſome time a wolfe may ſhewe hym ſelfe in the apparaile of a lambe. And if the iudge be parciall / ſuche tokens may be ſooner accepted than truly ſhewed. And in the chapiter there, that begynneth Statuta quedam, it is decreed / that if the byſſhoppe or other enquerors of hereſy / ſe that any great daunger myghte comme

to

to the accuſours or wytnes of hereſie by the great power of them that be accuſed: that than they maye commaunde, that the names of the accuſours or wytneſſe ſhall not be ſhewed but to the byſſhop or enquerours, or ſuche other lerned men as be called to them / and that ſhall ſuffyce, though they be not ſhewed to the partie. And for the more indempnitie of the ſayde accuſours and wytneſſe it is there decreed, that the byſſhoppe or inquerours maye enioyne ſuche as they haue ſhewed the names of ſuche wytnes vnto / to kepe them cloſe vpon payne of excõmunication, for diſcloſynge that ſecrete without theyr lycens. And ſurely this is a ſore lawe, that a man ſhall be condempned, and not knowe the names of them that be cauſers therof.

¶ And though the ſayd lawe ſeme to be made vpon a good conſideration for the indempnytie of the accuſours and wytnes, yet it ſemeth, that that conſyderacyon canne not ſuffyce to proue the lawe reaſonable. For it ſemeth that the accuſours and wytnes myght be ſaued fro daunger by a nother way, and that is by

this way. If the byſſhop or inquerours dede, that the accuſours and wytnes might take hurt, as is ſayd before: than might they ſhewe it to the kynge and to his counſayle / beſechynge his grace of helpe in that behalfe; to ſaue and defend the accuſours and wytnes fro the extorte power of them that be accuſed: And if they wold do ſo: it is not to ſuppoſe, but that the kynge wold ſufficiently prouide for theyr ſaue garde: But for as moche as it ſhulde ſeme, that ſpirituall menne ſomwhat pretende to punyſſhe hereſies only of theyr owne power, without calling for any aſſiſtance of the temporal power, therfore they make ſuche lawes, as may helpe forth theyr purpoſe, as they thynke: but ſurely that is not the charitable way / to put the knowlege of the names of the accuſors and wytnes fro him that is accuſed, for if he knewe them, he might percaſe alledge and proue ſo great and ſo vehemente cauſe of rancore and malyce in thē that accuſe him, that theyr ſayenges by no lawe ought not to ſtonde agaynſte hym. And that ſpyrytuall men pretende, that they only ſhulde haue the hole

hole inquerie & punyſſhment of hereſie, it appereth extra de hereticis. li. vi. ca. vt inquiſitionis/perag. prohibemus: where all powers, and all lordes temporall and reulers be prohibite/that they ſhall not in any maner take knowledge or Judge vppon hereſie, ſithe it is mere ſpirituall, and he that inquereth of hereſie/taketh knowledge of hereſie. And ſo the ſumme called ſumma roſella, taketh it, titulo excommunicac. perag. iij. And if that be true, it ſemeth than, that all iuſtyces of peace in this realme be excõmunicate: for they, by auctoryte of the kynges cõmiſſyons and alſo by ſtatute, enquere of hereſies. And J thynke it is not in the church to prohybit that: for though it were ſo/that the temporall men maye not iudge, what is hereſie and what not, yet they maye/as it ſemeth, by theyr owne auctorytie enquere of it/and enforme the ordynarie/what they haue founde. And alſo if a metropolytane with all his clergye and people of his dioces fell in to hereſie: it wolde be harde to redreſſe it without temporal power. And therfore temporal men be redye and are bounde to be redy

to oppreſſe hereſies, whan they ryſe: as ſpirituall men be. And therfore ſpirituall men may not take all the thanke to them ſelfe, whan hereſies be punyſſhed, as though theyr charite and power onely dyd it: for they haue the fauour and help of temporall men to do it/ or elles many tymes it wolde not be brought aboute. Neuertheles myn entent is not to proue the ſaid lawes al holly to be cruel & vnre ſonable, for I know wel, that it is right expedient, that ſtrayt lawes be made for punyſſhment of hereſies that be hereſies in dede, more rather than any other of-fence, and that the diſcretion of the iud-ges ſpirituell maye ryghte well aſwage the rygour of the ſayde lawes, and vſe them more fauorably ageynſt them that be innocētes, than agaynſt them that be wylfull offendours, if they wyll charitably ſerche for the truthe. But ſurely if the ſayde lawes ſhulde be putte into the handelynge of cruell iudges, it myghte happen that they ſhulde many tymes pu nyſhe innocentes/ as well as offenders, but I truſte in god, it is not ſoo. Neuer the les whether it be ſo or not/ certayn it

is,

is, that there is a great rumour amonge the people/that it is so, and that spirituall men punysshe not heresie only for zele of the faith, and of a loue and a zele to the people, with a fatherly pitie to them that so offende, as they ought to do, howe great offenders so euer they be/ but that they do it rather to oppresse them that speake any thynge agaynst the worldly power or rychesse of spyrytuall men, or agaynst the great confederacie / that (as many men saye) is in them to maynteygne hit. And though many spyrytuall men may be founde / that haue ryght many great vertues and great gyftes of god / as chastitye / lyberalite, pacyence, sobreneſſe / temperance, connyng / and suche other / yet it wylle be harde to fynde any oone spirituall man: that is not enfecte with the sayd desyre and affection to haue the worldly honour of preestes exalted and preferred, & therfore if any lay mā report any euyll of a preest, though it be openly knowen, that it is as he saythe, yet they wyll be more diligente to cause the laye man to ceasse of that sayeng, than to do that in them is to reformme that is a

myſſe in the preeſte, that it is ſpoken of, takynge as hit were an occaſion to doo the leſſe in ſuche reformations / bycauſe laye men ſpeke ſo moche agaynſte them: But ſurely that wyll be none excuſe to ſpirituall rulers afore god, whan he ſhall aſke accompte of his people, that were commytted vnto theyr kepynge.

¶ And if this diuiſion be ſuffered to contynue / it is not vnlyke / but that greatte bendynge ſhall folowe on both partyes, wherby greatte hurte and inconuenience maye growe vnto moche people. And J ſee none that may ſette a meane way betwene theſe extremities, ne that mindeth any thynge to do good in it, but the kynges grace and his parlyamente. And J thynke veryly / that they are bounde in conſcience to folowe it with effecte, tylle the diuiſion be clerely ceſſed. Our lorde of his mercy ſende them gracc to do it. Amen.

¶ An other occaſion of this diuyſion.

The eyght Chapyter.

IT is a commen opynyon amonge doctours, that none is an heretike for that onely that he erreth, but for that he defendeth opynatyfelye his errour. And therfore he that erreth of ſymplicite may in no wyſe be ſayde an heretyke. And ſumma roſella/in the tytle hereticus in principio, ſayth, that a man may erre, and meryte therby: and he putteth this example. If a ſymple vnlerned man here the preachynge of his byſſhop/that preacheth happly agaynſt the faith/and he beleueth it with a redy mynde to obey: this man meriteth/and yet he erreth: but that is to be vnderſtonde where ignoraunce excuſeth. Than it ſemeth, that it is not ynough to proue that a mā is an heretike/for that he hath holden opinions ayenſte that the church teacheth, ne that he oughte not to make any purgation nor abiuration for it: for that that he helde in ſuche caſe was not his fayth, but the faythe of the churche was his fayth, though happly he were not than fully auyſed of it. And therfore ſaint Aidan/whan he helde the wronge

parte of kepynge of Easter / was no heretyke, and some say that saynt Chadde was of the same opinyon as sayncte Aidan was / whiche in lykewyse was no heretike, for theyr desyre was to knowe the truthe: and therfore it is not redde / that they made eyther pourgacyon / or abiuration, ne yet the abbotte Joachim / whiche neuer the lesse erred / for he was redy to submyt hym to the determination of the churche, and therfore he was neyther holden as an heretyke, ne compelled to abiure. Than if this be sothe / hit were great pitie / if it shulde be trewe as is reported / that there shulde be so great a desyre in some spiritualle men to haue men abiured / or haue the extreme punysshement for heresie, as hit is sayde there is. For as some haue reported, if any woll wytnes, that a man hath spoken any thynge, that is heresie / thoughe he speke it onely of an ignoraunce, or of a passion, or if he canne by interrogatories and questions be dryuen to confesse any thynge, that is prohibyted by the churche: anone they wyll dryue hym to abiure, or holde hym atteynted without

oute examynynge the intente or cause of his sayenge / or whether he hadde a myndc to be refourmed or not: and that is a verye soore waye, oure lorde be more mercyfull to oure soules, thanne so greuously to punysshe vs for euerye lyghte defaute

And here some saye / that bycause there is so greatte a desyre in spiritualle men, to haue men abiure, and to be nooted with heresie, and that some, as it were of a polycie do noyse hit / that the royalme is full of heretyckes, more than it is in dede: that hit is verye peryllous / that spiritualle men shalde haue auctoritie to arrest a man for euery lyght suspection / or complaynte of heresie, tylle that desyre of punysshement in spirituall menne be cessed and goone: but that they shulde make processe agaynst them to brynge them in vppon payne of cursynge: and thanne, if they tarye fourty dayes, the kynges lawes to brynge them in by a wrytte De excommunicato capiendo / and so to be broughte fourthe oute of the kynges Gaole to aunswere. But surely / as it is somewhat touched

before

before in the.vii. chap. it ſemeth that the church in time paſt hath done what they coulde to bringe about that they might punyſſhe hereſie of them ſelfe / without callynge for any helpe therin of the ſeculer power.

¶ And therfore they haue made lawes that heretykes myghte be arreſted and put in pryſon, and ſtokkes if nede were, as appereth Clementinis de hereticis. cap. multorum querela. And after at the ſpeciall callynge on of the ſpiritualtie, it was enacted by parlyament, that ordinaries myght areſte men for hereſy: for ſomme men thynke, that the ſayde Clementyne was nat of effect in the kynges lawe to areſte any man for hereſie: But if a man were openly and notably ſuſpected of hereſie, and that there were ſufficient recorde and wytnes ayenſt hym, & there were alſo a doubt that he wolde fle and not appere, wherby he myghte enfecte other: it ſemeth conuenient that he be areſted by the body: but not vpon euery lyght compleynt, that full lyghtly maye be vntrewe. And it wyll be ryght expedient that the kynges hyghnes and his

his counſaylle loke ſpecyallly vpon this matter, and not to ceaſſe, tylle hit be brought to more quietnes than it is yet, and to ſee with greatte diligence, that pride, couetyſe/ nor worldly loue be no iudges/ nor innocentes be punyſſhed, ne yet that wylfull offenders go not without dewe correction.

¶ An other cauſe of this dyuiſion.

The nynth Chapiter.

ANother occaſyon of this dyuiſion hath riſen by the extremities/ that haue ben ſhewed in ſutes taken in the ſpirituall courtes/ by ſpirituall menne/ for there hath therby riſen an opinō amonge moche people, that a man were as good or better to let a ſpirituall man haue at the begynnyng all that he demandeth as to ſtryue with hym in the ſpirituall lawe for it. In ſo moche, that as hit is ſayde, ſuche extremyties haue bene vſed in the ſpiri-

before in the.vii. chap. it ſemeth that the church in time paſt hath done what they coulde to bringe about that they might punyſſhe hereſie of them ſelfe / without callynge for any helpe therin of the ſecu-ler power.

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¶ An other cauſe of this dyuiſion.

The nynth Chapiter.

ANother occaſyon of this dyuiſion hath riſen by the extremities that haue ben ſhewed in ſutes taken in the ſpirituall courtes, by ſpirituall menne, for there hath therby riſen an opinō amonge moche people, that a man were as good or better to let a ſpirituall man haue at the begynnyng all that he demandeth as to ſtryue with hym in the ſpirituall lawe for it. In ſo moche, that as hit is ſayde, ſuche extremyties haue bene vſed in the

ſpiri-

ſpirituall lawe for tythes / that no pre-
ſcription, cuſtome, compoſition, nor other
plee ſhall be admytted in the ſpirituall
lawe ageynſte them. And ſurely if that
be trewe / it is a great parcialyte, and a
great denyenge of Juſtyce. And therfore
it wolde be refourmed. And as for mor-
tuaries they be adnulled all redy by ſta-
tute / but yet begynnethe to ryſe oone
thynge to maynteyne the fyrſte dyuyſion
concernynge ſuche mortuaries, if hit be
ſuffered to contynue / and that is, that
many curates, not regardynge the kyn-
ges ſtatute in that behalfe, perſwade
theyr paryſſhens / whan they be ſycke /
to beleue that they can not be ſaued / but
they reſtore them as moche as the olde
Mortuarye wolde haue amounted to.
And ſurelye the curates, that by that
meanes gette any recompence, by gyfte /
or by queſte, are bounde in conſcience to
reſtitution. For he is deceyuedde in his
gyfte or bequeſte. For it procedeth not
of a free libertie, but vpon that vntrewe
infourmacion. And lyke as a contracte /
wherby a man is deceiued in that thinge
that is ſolde / holdeth not in conſcience,
as

as if a manne selle copper for golde, or wyne myxte with water for pure wine: and so it is whan a man maketh a gyfte or a bequeste vppon an vntrue surmyse. And that no man is bounden in conscience to restore for his Mortuary nowe, sythe the statute of Mortuaryes was made, it maye appere thus. It is holden by them that be lerned in the lawe of this royalme, that the parlyamente hath an absolute power / as to the possession of all temporall thynges within this realme, in whose handes so euer they be, spiritualle or temporalle, to take them froo one manne, and gyue theym to an nother / withoute anye cause or consideration. For if they doo it, it byndeth in the lawe. And if there be a consideration, than it byndethe in lawe and conscience. And certayne hit is, that all suche Mortuaryes were temporalle goodes / though they were claymed by spiritualle menne: And the cause why they were taken awaye was / for as moche as there were fewe thynges within this realme, that caused more varyaunce amonge the people,

than

than they dyd, whan they were suffred, for they were taken so farre agaynst the order of the kynges lawes, and ageynst Justice and ryght, as shall here after appere. Fyrste they were taken not onely after the deth of the husbonde, but also after the deth of the wyfe, whiche after the lawes of the realme had no goodes, but that it was taken of the husbondes goodes, and they were taken also of seruauntes and chyldren as well infantes as other. And if a man died by the way, and had an housholde in an other place, he shulde paye mortuaries in bothe places. And sometyme whan the parsone and vicar of a churche-appropried, varied for the mortuaries, the people, as it hath ben reported, haue ben enforced, er they coulde sytte in reste, to pay in some places mortuaries to them bothe. And sometyme the curates wolde prohibyte poore men to sell theyr goodes in tyme of theyr sickes, if they were suche goodes as were lyke to be theyr mortuaries: for they wolde say it was done in defraude of the church. And if the quicke goodes were better than the deed goodes, they

wolde

wolde in ſomme places take the quycke: And if the deade goodes were better than the quycke, they wolde take the deed. And the Mortuaries muſt be delyuered forthe with / or elles the bodye ſhulde not be buryed. And they preſcribed to haue ryght to mortuaries onely by the preſcription of the ſpiritual lawe. And vnder that maner mortuaries encreaſſed dayly in many places / where they hadde not bene vſed before / and of lykelyhode wolde haue gone farther, if they had not bene ſtopped in tyme. And they were in many places taken in ſuche maner that it made the people to thinke, that the curates loued theyr mortuaries better than theyr lyues. And thervpon roſe in many places great diuiſion and grudge betwyxte them / whiche broke the pece / loue / and charite that ſhulde be betwene the curate and his paryſſhens / to the great vnquietnes of many of the kynges ſubiectes / as well ſpirituall as temporall, and to the great daunger and perylle of theyr ſoules. For theſe cauſes the ſayd mortuaries be adnulled by parlyament, as well in conſcience as in the

lawe: And yet it is sayde, that some curates vse great extremyties concernyng the sayde mortuaries, an other waye: and that is this. If the executours at the firste requeste pay not the money, that is appoynted by the statute, they wil anon haue a citation ayenste hym, And there he shalbe so handled, that as it is sayd, hit hadde bene mooste commenly moche better to hym, to haue payde his olde mortuarie than the costes and expenses that he shall pay there. And if it be so, it wold be reformed. And surely this matter wold be groūdly loked vpon: for some men say, that the sute in that case ought to be taken in the kynges court, and not in the spirituall courte.

Other occasions of this dyuysion. The. x. Chapyter.

THe extreme and couetous demeanoure of some curates with theyr parishēs, whereof mencion is partely made herafter, hath ben an other cause

cause of this diuision: And though many spirituall men be not felowes with them in the extremities: yet none of them that haue ben beste and most indifferent/ haue not done any thynge to reformme them, that vse suche extremytees/ne to make them thynke, that any defaut is in them in that doynge, but rather, as hit were with a deffe eare/haue dyssimuled it, and suffered it passe ouer, and haue endeuored them selfe more to oppresse all the lay people, that wolde speke against it/ than to reformme them that do it.

And some of the sayde extremityes be those. Some say, that in takynge of tythes curates in some places wylle haue the.x.parte of euery thynge within the paryshe/ that is tythable, though their predecessours withoute tyme of mynde haue bene contented withoute hit: and thoughe there be sufficient beside for the curat to lyue on, or though he hath not knowen, but that percase somme other thynge in olde tyme hath bene assigned in recompence for it. And in som place is asked, as it is sayd, tythe bothe of chekyns and egges/ and in somme place of

mylke and cheſe, and in ſome place the x. parte of the grounde, and alſo of that that falleth on the groũde. And in ſome places is claymed tithe of ſeruantes wages without deduction: And it is but in fewe places / that any ſeruannte ſhall go quyte without ſom tyth paying / though he haue ſpent al in ſyckenes / or vpon his father and mother / or ſuche other neceſſarye expenſes.

And in ſom places if a paryſhen haue not ten calues that yere, the curate wyll put the tythynge of tyll an other yere / and than to take a tythe calfe, accomptynge bothe the yeres to gither / rather than he wolde the firſt yere take the money, that is in that caſe aſſygned by the lawe. And they do lyke wyſe of lambes / pygges, and ſuche other thynges. Alſo in many places the curates take more at maryages, buryals, and obytes than they were wonte to do, and wyll not bury a ſtranger / that dyeth within the paryſſhe, but he haue ſome what for it. Alſo ſome curates / whan there is any varyance betwene hym and any of his paryſhens / or that any of his pariſhens be in his dette /

hath

hath prohibyte them from houſelle tylle he be payde. And it hath ben ſometyme ſene, that whan a poore man hath bene ſette to be howſeled/the curate hath before al the paryſhe/ vpon ſome ſuche diſpleaſure cauſed hym to ryſe and goo awaye, without houſelle, to his rebuke. And though theſe abuſions be not vſed vnyuerſallye (god forbede they ſhulde) for there be many good curates and other ſpirituall men, that wolde not vſe them for the wynnynge or leſynge of no erthly thynges: yet whan people of dyuers coũtreys mete to gether, and one of them telleth an other of ſome ſuche extremities in ſome curates in his countreye/ and the other lyke wyſe to hym: anone they eſteme ſuche couetyſe and extreme delynge to be in all curates. And though they do not well in that doinge, for the offence of one prieſte is no offence to an other/ if they ſo wyll take it: yet ſpirituall men do no thynge therin to bringe the people oute of that iudgement/ but ſuffre ſuche abuſions to be vſed by ſome of them continually without correction, and (as I haue ſayd before) wyl rather

labour to ſtoppe the mouthes of them / that wyll fynde defaulte at ſuche demenourc / than to helpe to reformme them / that do it. And ſurely as longe as they do ſo / it wyll be verye harde to haue a good vnitie and peace in this behalfe.

¶ Other cauſes of the ſayde diuyſion. The.xi. Chapyter.

AN nother thynge / that hath cauſed the people to grudge agaynſte the pope and other ſpyrytuall reulers hath bene the graūtynge of pardons for money. For whan hit hath benne noyſed, that the money ſhulde be beſtowed to ſomme charitable vſe / as vppon the buyldynge of ſaynte Peters churche in Rome, or to ſuche other charitable vſe: it hath appered afterwarde euidently, that it hath not ben diſpoſed to that vſe. And that hath cauſed many to thynke / that the ſayde pardons were graunted rather of couetice, than of charite, or for the helthe of the ſoules

ſoules of the people. And therupon ſome haue fallen in maner in to diſpiſynge of pardons, as though pardous graunted vppon ſuche couetiſe ſhulde nat auayle. And becauſe the people be greatly deceyued in that iudgement, for as to the taker the pardon is good, thoughe the grantor offende in his grantynge of the pardon. Therfore it is ryght neceſſarye, that the rulers take hede, that pardons be hereafter granted in ſuche charitable maner, that the people ſhall haue no occaſion ne colour to thynke / that they be granted of couetice: And than the graũtours ſhall profytte them ſelfe in theyr graunte / and the people alſo in theyr takynge, and elles it maye lyghtly hurte them bothe. And veryly it were greatte pitie, that any myslykynge of pardons ſhulde growe in the hertes of the people for any myſdemenour in the grauntours or other wyſe / for they be ryght neceſſarie. And I ſuppoſe / that if certain pdons were granted frely without money / for ſayeng of certein prayers therin to be appoynted / that all mislykyng of pardons wolde ſhortly ceſſe and vanyſſhe away.

¶ An other cause of this diuision. The.xij. Chapyter.

NOther cause of this diuision hath ben by reason of dyuers lawes and constitutions, which haue ben made by the church, some tyme by the Pope, sometyme by legates, or by Metropolitanes in theyr pronince: wherin they haue many tymes exceded theyr auctoritie, and attempted in many thynges agaynste the lawe of the realme. And yet neuer the lesse many pristes haue gyuen full credence to them, for they haue thought that the makers ther of, whiche were the heedes of the churche, wolde not make any lawe, but by good and sufficient auctoritie. And ther vpon it hath folowed, that whan any doubte or question hath rysen vpon the sayde lawes: all spirituall men in maner wolde sticke faste to the lawes, and many temporall men by reason of a comen vse and custome, that they haue sene to the contrarie, haue resisted them: wher-

vpon

vpon haue ryſen in many places greatte ſtryfe/variaunces, and great expences in the ſpirituall lawe. Wherby many temporall men haue thought, that ſpirytual courtes be rather vſed for mauntenaunce of couetiſe, thā for miniſtration of iuſtice. And thoughe, with the mercy of oure lorde, the trouthe is not ſo vniuerſally: yet ſome diligence wolde be taken to remoue that iudgement fro the people.

¶ And of theſe lawes is the conſtitution of Boniface, the archebyſſhoppe of Canterbury / wherby it is decreed/ that he that letteth a woman couert to make her wyll/or that letteth it to be proued/ is accurſed: and the lawe of the realme is, that a woman couerte hath no goodes, that ſhe may make any wylle of/excepte it be of a thynge in action, or that ſhe were executrix before. And if ſhe were ſo, than with lycence of her huſbonde ſhe may make an executour/ to the intent he may leuye the dette, or fulfyl the firſte wyl. An other lyke lawe is of the decree of the ryghte reuerende father in god Robert Wynchelſye/late archbyſſhoppe of Canturbury, made agaynſt the comen

cuſtome of the realme for tithe of wood: aboue.xx. yere not to be payde / whiche cuſtome was confermed by the ſtatute made in the.xlv.yere of kynge. E. the.iij. that is commenly called the ſtatute of Silua cedua: By reaſon of whiche decree great ſutes, variances, and expenſes haue enſued and wyll enſue, if it be ſuffered. Wherfore the ſayde eſtatute wolde be throughly ſene: And if it be good, than not to ſuffre any decree to ſtonde ageynſt it, and elles clerely to breake it. Other lyke lawes be the lawes that be made by the churche / that executours ſhall not, vppon payne of curſynge / adminyſtre / tyll they haue proued the teſtament: where the lawe of the realme is that they may: & ſo reaſon wold that they ſhulde be: for els the goodes of the teſtatour might be embeſelled & loſte for euer. And that lay mē may not put clerkes to anſwer before thē, ſpecially in criminal cauſes. And for the ſtrēgth of tho lawes many ſpirituall mē haue reported opēly / & that ſomtime in open ſermons / that ſuch putting to anſwer of priſtes before lay men is prohibited by the law of

god,

god, whervpon me thynketh are greatly to be noted theſe poyntes, that is to ſay, that if it be as they ſay, that it is ayenſt the lawe of god, that than great defaute is in them, that they haue done no more to reſourme it than they haue done / for cleryng the conſciẽce of ſo many people, as than daily offend therby. And if it be not as they ſay / than they mayntayne an vntruth, which is a great offence in men of ſuch grauite & pfectiõ as they be. And they alſo be therby boũden to reſtitution to the temporall princis, which ought to haue theyr fynes & amerciamentes vpon ſuch ſutes, as ſhulde be taken ageinſt priſtes in theyr courtes: wherof they be many tymes excluded by reſon of the ſayde pretenſed priuilege. And if it coulde be ſufficiently proued, that it is ayenſte the lawe of god / to put priſtes to anſwer before lay men: than degradynge of them coulde not helpe: For not withſtanding the diſgradyng, the caracter abydeth / & ſo he is a prieſt ſtyll, as he was before.
And J ſuppoſe veryly / that if it coulde haue ben ſufficiẽtly proued, to be ageynſt the lawe of god, the kynges progenitors wolde

wolde in tyme paſte haue aſſented to it. And that the kynges grace and all his realme, wolde with good wyll alſo conforme them ſelf to it, but that was neuer ſufficiently proued / as farre as J haue harde. And to that that ſome ſpirituall men ſaye, that it is an auncient cuſtome / and a cuſtome approued / that prieſtes in felonies, murthers, and treſons ſhuld not be putte to anſwere before laye men, and that by reaſon of that olde cuſtome / they oughte to be priuileged in that behalfe, though it can not be ꝓued directly by the lawe of god: to that it may be anſwered, that there was neuer yet ſuche cuſtome in this realme approued. For prieſtes haue ben arayned alway for treſon and felony before the kynges Juſtyces. And for treſon it hath ben ſene, that they haue ben put in execution, as it apperth by a compleynt made by the clergye in the parlyament holden in the .xxv. yere of kynge Edwarde the thyrde pro Clero, where the clergie complayned, that prieſtes, monkes / & religious were contrary to the liberties of the churche (as they ſayd) put to dethe: and vppon

that

that complaynt it was enacted, that all maner clerkes/as well ſecular as religyous, that ſhulde fro thens forthe be conuicte before any Juſtice ſecular, for any maner of treſon or ſcloni/touching other perſons than the kynge or his royal maieſtie/ ſhulde haue fro thens forthe freely the priuilege of holye churche, and be without lette or delaye delyuered to the ordinarie/ them demaũdynge. And it ſemeth that by that terme, Clerke, in that ſtatute pro Clero, is vnderſtonde as wel clerkes that be within orders, as clerkes that can rede as clerkes / and yet be not within orders / for they ſhall haue theyr clergie in petite treaſon/ whiche be commenly taken to be ſuche treaſons / as be recited in the later ende of the declaracio of treaſon / made in the ſayde. xxv. yere of Ed. the. iii. wherof the eſchete belongeth to the lordes of the fee. But in the other treaſons, that be recited in the ſaid Declaration, wherof the forfayture is onely to the kynge: none ſhall haue his clergy by the common lawe/clerke with in orders nor lay man, that can rede, ne there is not any remedy prouided for no maner

maner of clerkes in tho treſons. For they touch the kynge and his royall maieſtie. And therfore they be excepted in the ſaid ſtatute ꝑ Clero / as before apperth / and be cõenly called high treſons: and of that nature of treaſon is nowe waſſhing, clippinge / & filinge of money: for the ſtatute made ãno. ij. H. v. is that it ſhalbe treſon to the kynge & to the realme. And therfore no clerke can there haue his clergy. ¶ And here I wolde moue a lytell farther / that if a clerke within ordres bren a houſe bycauſe he hadde not certayne money layde in a ſecrete place, as he appoynted by a byll: whether he ſhal haue his pryvylege: for the ſtatute made in that caſe, is that ſuche brennynge ſhall be hyghe treaſon. And yet the forfeiture is gyuen to the lordes of the fee. &c. And the ſayd ſtatute is anno. viii. H. vi. ca. vi. And ſithe it is haute treaſon / many men ſuppoſe, that he ſhall not haue his clergy: but I commytte that to other / that lyſte to treate farther of that matter: But for counterfaytynge and forgynge the coyne of an other realme / I ſuppoſe a clerke ſhulde not be put in execution, if

he

he wyll aſke his priuilege. For the ſtatute is no more, but that it ſhall be treaſon / and ſayeth not that it ſhall be treaſon to the kynge and to the realme / as the other ſtatute dothe. And therfore I ſuppoſe / that by the ſayd ſtatute pro clero he ſhal haue his clergy. yet neuer the leſſe that ſtatute pro clero in one poynte declareth the commen lawe to be more ſtrayter agaynſte the priuilege of clergy / than many men take it to be: and that is in this poynt. If a clerke ſtele any of the kynges goodes, that he ſhall not haue the priuilege of his clergie. For the ſayd ſtatute is / that he ſhall haue his clergye in treaſon or felony concernynge other perſons than the kynge or his royall maieſtie. And therfore for felony concerning the kynge ſelfe, it ſemeth that a clerke at the comen lawe ſhulde not haue had the puilege of his clergie: but that I remyt to other / that be lerned in the lawes of the realme. And I haue ſpokē the ferther of theſe matters / becauſe as me ſemeth / it were ryght expedient / that ſpirituall men ſhuld knowe them, & ſuch other as moſt ſpecially pteine vnto them,

more

more perfytely than they haue done in tyme paſt: and more rather to coueyte to haue the true vnderſtonding of them, than to report/ that the makers of them offended in the makinge, ſpecially ſeinge that they were made by the kyng/ with the aſſent of all the lordes ſpirituall and temporall/ & of the commens, and ſome of them at the ſpecial requeſt and peticiō of the ſpiritualtie.

¶ And here me thynketh I myght ſaye a lyttell farther in this matter, and that (as it is lyke) the trouth wyl proue, that is to ſay: that as longe as the iuryſdyctions ſpirituall and temporall be ſuffred to ſtande in ſuche caſe as they do nowe, that temporall men ſhall ſay/ that ſpirituall men make lawes, that they haue none auctorite to make, and that ſpirituall men ſhall ſaye, that temporall men make lawes/ that be agaynſt the libertie of the churche/ wherfore they be accurſed, and no other order taken to haue it knowen/ what is the libertie of the churche/ and what not/ than is yet taken: It wyll be longe er this diuiſion wyll be fully appeaſed. Than to retourne to

the

the priuileges of clerkes. The trouthe is, that yet clerkes within orders be more fauoured than clerkes that be not within orders. For if a preest be arrayned of felony, and confesseth the felonye, or is founde gyltie, and than he prayeth the benefyte of his priuilege, and sheweth the letters of his orders: in that cas the iudges wyll nat compell hym to rede. For sithe the churche hath admitted hym to orders, the lawe presumeth that he can rede as many men saye. And ouer that if a preest wolde wylfully forsake his priuilege, and confesse the felony and becomme a prouour: yet if the ordinarie wyll aske hym as a membre of the churche, and shewe the letters of his orders, he shall haue hym, and that is by the statute called articuli cleri. For before that statute he shulde haue bene compelled to haue done battayle, if the appellee wolde haue waged hit. And also if a preste, after that he hath confessed the felony, or after that he is founde gyltie, wyll pray his clergie, and after of wylfulnes he wyl renoūce his priuilege: yet if the ordinarye wyll aske hym, he

ſhall haue hym: and that is by the commen lawe. But in this matter hit is a doubte to many men/whether it ſuffyſeth to the ordinary only to afferme, that he is a preſte/and ſo to aſke him: or that he muſte ſhewe the letters of his orders. And I ſuppoſe, that it is ſufficient/if he affyrme/that he is within ordres, though he ſhew not the letters of his orders, nor yet the regeſtryng of them. And that ſemeth by the ſtatute of an. iiij. H. vij. ca. xiij where it appereth, that the Certificat of the ordinarie/that he is within orders, ſhulde ſuffyce. And if his certificat ſhulde ſuffice/than it ſemeth that his ſayeng in his owne perſone/that the other is a clerke, ſhulde ſuffice.

¶ And in the ſtatute made anno. xxiij. Henrici octaui. ca. i. hit appereth, that clerkes within holy orders, haue greater priuilege, concernynge theyr clergie, than clerkes/that be not within ordres. But neuer the leſſe I leue that matter to the determination of other.

¶ But admitte/that there had ben ſuch a cuſtome receyued and admitted in the realme, that preeſtes ſhulde not be put to

aunſwere before lay men, and that than this queſtion were aſked, whether the parlyament myght breake that cuſtome? To that queſtion (as it ſemeth) it maye be aunſwered thus: That if that cuſtome turne into an occaſyon and boldenes of theſte and murder, and other like thynges agaynſt the kynges peace, and that as well in many ſpiritualle men as in tẽporall men by exãple of ſpiritual mẽ, whiche by reaſon of that priuilege take a boldnes to offend: It were not only a lau ful dede to breke that cuſtom, but a right good & meritorious dede to do it, and a dede that the kynge is bounde to at his coronacion. For he is ſworne to mayn-teigne the good cuſtomes of his realme and to breake the cuyll. And ſure hit is, that all cuſtomes that be agaynſte his peace, be cuyll, as this ſhulde be, if that effecte ſhulde folowe of it, as before ap-pereth. And that the kynge is ſpecyallye bounde by his lawes to aduoyde all thynge, that may be a lette to his peace, it appereth by the ſtatute that is called ſtatutũ de defentione armorũ, where it is ſayd amõge other thynges thus. To the

kynge it appertayneth by his royall seig-
nory to defende strongly all armes, and
all other force agaynst his peace as ofte
as shall please hym. And that he maye
punysshe them that do agaynst his peace
after the lawes and customes of his re-
alme. And that all his lordes spyrytuall
and temporall are bounde to ayde hym
therin as theyr souerayne lorde. And
syth murders and felonyes are specially
agaynst the kynges peace: therfore the
sayd custome shuld be agaynst his peace/
if such effecte shulde folowe of it/ as be-
fore appereth. Wherfore it semeth, that
he shuld than haue auctoritie in his par-
lyamente to breake that custome/ as a
thynge agaynst the peace and quyetenes
of his people. And he that hath aucto-
ritie to aduoyde suche thynges as breke
his peace/hath also auctoritie to preuent
and deuoyde suche thynges, as maye
gyue occasion to the brekyng of his peace,
as that custome shulde do/ if the sayde
effecte shulde folowe of it. And certayne
hit is/ that it hurteth no more a good
prieste/ that an euyll preest is punysshed,
than it hurteth a lay man/ that he is pu-
nysshed

ny ſſhed: ne no more than it hurtethe a good laye man or woman/ that an other is euyll and is punyſſhed for it. And I ſuppoſe verily, that this diuiſion wyl neuer be perfytely appeaſed, tylle preeſtes and religious wyll be as lothe to here of any defaute in a lay man or laye woman as in a preſte or in a religious perſone. And that wyll neuer be as longe as the great confederacies and ſingularite continueth amonge preeſtes and amonge religious perſons, as it dothe nowe. The good lay men and women muſt paciently beare the euyll reporte of other laye men and women, that be of the ſame condicion as they be, and ſo they ſhalbe taught bi ſpiritual men/ that they ought to do: but they wyl not do ſo them ſelfe. In ſo moche that I ſuppoſe veryly/ that many a preeſte & religious wold grudge more ayenſt an euyll reporte made of a preeſt or religious/ that in dede were gyltie/ in pryde/ couetyſe/ angre malyce, glotony, lechery or ſuche other, than they wolde be ayenſt a lyke euyll report made of a laye manne or a laye woman/ that were not gyltie.

¶ Dyuers other lawes there be, that be made by the churche, that many menne thynke the churche hadde no power to make: As it is, that no benefice shalbe let to a lay man, but a spirituall man be ioyned with hym: Or that it shall not be let aboue.iii.yeres. And also the constitution of a dimission noble, and suche other, that were to longe to reherse nowe. For these suffise to shew, that by such lawes made by the churche, that they had no power to make any lawe of, hathe rysen one speciall cause of this diuision.

¶ An other occasion of this dyuysion. The.xiij.Chapyter.

AN other occasion of this diuision hath rysen by reason of feyned visitations, vsed in tymes paste by ordynaryes and other, that haue hadde power to visyte houses of relygion and churches in the contrey. For there is a commen opinion in maner vniuersally rysen amonge the people, that suche

ſuch viſitations / after the maner as they be vſed / do litel good, and rather encrece vice than vertue. And veryly the more pitie is / it ſemeth to be true as they ſay. For it is vſed / that at ſuche viſitations / viſitours take of the houſes of religion that they viſyte, ſome certayne pencyon: And for viſitation of churches they haue of ſome certayne church, mete and drynke / where they viſyte, and than they gather ſome certayne duetie of all the churches within certayne circute in that contrey. And neuer the les / as the comen opinion gothe, comenly they reforme nothynge / but as they fynde it / ſo they leue it / and neyther comfort they vertue ne punyſſhe vice / but many tymes the contrarie, by ſome worldely demeanour or euylle example, that the people ſee in them. And thus whan the people haue ſene, that offenders / as well ſpirituall as temporall / contynue after the viſitation, as they dydde before: they haue coniectured, that the ordinaries and viſitors do viſite more rather for theyr pencions, than for any good order or reformation. And this, through a longe continuance /

hath brought the people to iudge great couetice in ſuche viſitours, whiche commenly be of the greatteſt rulers of the ſpiritualtie / wherby the people by lyttell and lyttell haue fallen in to a diſpraysinge of ſuch viſitations / and into a myslykynge of theyr rulers ſpirituall, and of ſuche pompe and worldely behauour, as is ſhewed by them at ſuche viſitations. And than whan ſuche viſitours and ſpirituall rulers haue perceyued / that the people haue miſliked theyr viſitations, they haue dyſdayned it / and haue continued ſtyll as they dyd before: and ſo hath the grudge betwene them contynued ſecretely of longe tyme. And ſurely it is to be moche meruayled that viſitours wyll attempte to take at theyr viſitations any pencion or impoſition of them that they viſite / contrary to the good lawes that be made in the. vi. boke / ti. de ſenſibus. ca. romana / et exigit. Wherin great penalties be ſet vppon them that take any penſion at theyr viſitations / contrary to the ſayde lawes, as in the ſame doth appere. And but there be any ſecret diſpenſation in that behalfe: many be ſuſpended,

ded/that dayly miniſtre. And if there be any luche ſecrete diſpenſation, hit is to doute, that the graunte therof proceded not of charite, but of ſome couetyſe and ſingularite: yf the very grounde therof were throughly ſerched. Wherfore hit were ryght expedient, that ſuche viſitations were ſet in ſuche order, as well by ſpirituall authorite, as by temporal auctorite/that good men hereafter myght therby be comforted, and euyll men corrected & refourmed, to the good example of all other that ſhulde here of it.

¶ An other cauſe of this dyuyſion. The. xiiii. Chapiter.

AN nother cauſe of the ſayd dyuyſion hath ryſen by occaſion of the great multytude of lycences and diſpenſations/that haue benne made for money by popes and byſſhops in tyme paſte/contrary to dyuers good lawes made by the churche/as of pluralites ayenſt the lawe that no mā ſhulde

haue but one benefice, and of lycence to curates to be none reſident, of capacities to men of relygion/ and that none ſhall take orders ne be promoted afore a certayne age/ and ſuche other: whiche lycences and diſpenſacions haue ben ſo accuſtomablye graunted for money without cauſe reaſonable/ that great inconueneyences haue folowed vppon hit, to the great grudge, and murmour, and euyll example of all the people.

¶ An other cauſe of the ſaid dyuyſion. The.xv. Chapyter.

ANother occaſyon of the ſayde diuiſion hath ryſen by a great laxnes and lyberty of lyuyng/ that the people haue ſene in many religious men. For they ſay/ that though religious men profeſſe obedience and pouerty, yet many of them haue & wil haue their owne wil, with plenty & delicate fedynge/ in ſuche abundance that no obedyence nor pouertie appereth in them.

And

And therfore many haue sayde, and yet say to this day/ that religous men haue the most pleasant & delicate lyfe that any men haue. And truly if we behold the holynes & blessed exáples of holy fathers, & of many religious persons, that haue bene in tyme past/ and of many religious persons that be nowe in these dayes: we shulde se ryght great diuersitie betwene them, I trowe (as for many of them) as great diuersitie as is betwene heuen and helle. And here, as it semeth/ I myghte conueniently reherse the wordes that be spoken in the first boke of the folowyng of Christ/ the. xviii. chapyter, where hit speaketh of the holy fathers/ that haue bene in religion in tyme past/ and sayeth thus. They serued our lorde/ in hunger and in thurste/ in hete/ and in colde, in nakednes, in labour/ and in werynes/ in vigils and fastynges, in prayers, and in holye meditations, in persecutions, and in many reprosses. They refused honours here in this lyfe/ that they might alway haue them in the euerlasting life. O how strayt and howe abiecte a lyfe led the holy fathers in wyldernes? howe greuous tempta-

temptations they ſuffred? howe fyerſly they were with theyr gooſtly ennemyes aſſayled? howe feruent prayer they dayly offered to god? what rigorous abſtinence they vſed? howe great zele and fervour they had to ſpirituall profite? how ſtronge bataylle agaynſte all ſynne? And howe pure and holle entent they hadde to god in al theyr dedes? on the day they laboured, and on the night they prayed. And though they laboured on the daye bodily, yet they prayed in mynde, and ſo they ſpent theyr tyme alwaye frutefully, and thought euerye houre ſhort: for the ſeruyce of god, and for the great ſwetenes that they hadde in heuenly contemplation, they forgette ofte tymes theyr bodily refection. All ryches, honour, dignities, kynneſmen, and frendes they renounced for the loue of god. They coueted to haue nothynge of the worlde, ſo that ſcarſely they wolde take that was neceſſarye for the bodylye kynde. They were poore in worldly goodes, but they were ryche in grace and vertues. They were nedy outwardely, but inwardely they were replenyſſhed with grace and

gooſtly

goostly comfortes. To the worlde they were alyens and straungers, but to god they were ryghte deere and familyar frendes. In the syght of the lorde and in theyr owne sighte they were vile and abiecte, but in the syght of god and of his saynctes they were precious and synguларly electe. In them shone all perfection of vertue, trewe mekenes, symple obedience, charitie, and pacience, with other like vertues and gracious giftes of god. Wherfore they profyted dayly in spirite, and opteyned great grace of god. They be lefte as an exaumple to all relygious persons, and more oughte theyr examples to stere them to deuocion, and to profite more and more in vertue and grace than the great multitude of dissolute and ydle persons shulde any thynge drawe them abacke. O what feruoure was in religious persons at the begynnynge of theyr religion? What deuocion in prayers, what zele to vertue, what loue to goostly discipline, and what reuerence and meke obedience flourysshed in them vnder the rule of theyr superiour? truely theyr dedes yet bere witnes, that they were

were holy and perfite / that ſo myghtly ſubdued the worlde / and thruſt it vnder fote. Thus farre gothe the ſayde chapiter. But the more pitie is, moſt men ſay, that nowe a dayes many religious men wyl rather folow theyr owne wyl, than the wyll of theyr ſuperiour / and that they wyll neyther haue hunger nother thyrſte, heate, nor colde, nakednes, werines, nor labour: but riches, honour, dignities / frendes, and worldely acqueyntance / attendaunce of ſeruauntes at theyr cõmaundementes, pleaſures, diſportes, and that more liberally than temporall men haue. Thus are they fallen (ſaye they) fro the true religion: wherby the deuotion of the people is in maner fallen fro them. Neuertheles I doute not, but there be many ryght good and vertuous religious perſones, god forbede it ſhulde be other wyſe: but hit is ſayde / that there be many yuell / and that in ſuche multitude / that they, that be good, can not / or wyll not / ſe them refourmed. And one great cauſe that letteth refourmation in this behalfe / is this: If the moſte diſſolute perſone in all the commi-

naltie

naltie, and that lyueth moſte openly a-geynſte the rules of the religion, can vſe this policie, to extolle his religion aboue other, and diſpreyſe other religions, for that they be not of ſuche perfection / as theyr religion is: anone he ſhall be called a good feruent brother / and one that bereth vp the religion, and ſhalbe therfore the more lightly forborne in his offences. Where the trouthe is / that the religion mayntcyneth hym and beareth vppe hym, and not he the religion. For hit hath lyttell nede of hym. And thoughe many be good / and lyue a ryghte good and laudable lyfe, after the ſtatutes and order there vſed: yet in that poynt, to extolle theyr religyon aboue other / and to take parte with them, that doo ſo, though they knowe / that they that ſo extoll it / kepe not the religion them ſelfe, fewe be without offence / and truly that is a greatte defaute, for hit gyueth a greatte boldenes to offenders / and diſcourageth them, that be good, whanne they ſe them that mooſte lyue agaynſte their religion / be ſo mayntcygned and commended.

An

¶ An other thing that hath caused many people to mislike religion, hath bene the great extremitie, that hath ben many tymes sene at elections of abottes/ priours/ and suche other soueraygnes spirituall. And this is a generall grounde, that whan religious men perceyue/ that the people myslike them, they in theyr hartes withdrawe theyr fauour and deuocion agayne fro them: And so hathe charitie waxed colde betwene them.

And verylye I suppose, that hit were better, that there shulde no abbotte or priour hereafter contynue ouer certayne yeres that shuld be appointed by auctorite of the rulers, than to haue such extremites at elections, as haue bene vsed in time past in many places.

¶ And veryly (as me semeth) one thing wolde do great good concernynge relygions/ and all religious persones/ and that is this: that the rules and constitutions of religion, were sene and wel considered/ whether the rygour and strayt-nes of them may be borne nowe in these dayes, as they were at the beginnyng of the relygions. For the people be nowe

more

more weyke / as to the multitude / than they were than. And if it be thoughte / that they maye not be nowe kepte: that than ſuche relaxacions and interpretations of theyr rules be made, as ſhall be thought by the rulers expedient: For better it is to haue an eaſy rule wel kept, than a ſtrayte rule broken withoute correction: For therof foloweth a boldnes to offende / a quyet hert in a euyll conſcyence: a cuſtome in ſynne / with many euyll examples vnto the people: wherby many haue founde defaut at all religion, where they ſhulde rather haue founde defaut at dyuers abuſions agaynſte the true religion: For certayne it is / that religions were firſt made by holy fathers, by the inſtincte of the holy ghoſte, kepe them who ſo may.

The concluſyon of this lyt-
tell treatiſe.

The. xvi. Chapiter.

Sythe there is no sacrifyce, that more pleseth almyghty god than zele of soules doth, it is good that euery man dispose hym selfe / as nygh as he can / to haue that zele: And if he may through grace come thervnto it shall instructe hym in many thynges / howe he shall behaue hym selfe anenste his neyghbour. And fyrst it shall teache hym, that he shall take hede, that he do nothynge, that myght gyue occasion vnto his neyghbour to offende. And I vnderstonde not therby / that he shall onely take hede, that he doo none euyll dede, wherby his neyghbour maye take occasion to offende, whiche in latyne is called offendiculum / that is to say, an occasyon to offende: but I meane also, that he shall take hede / that his neyghbour take none occasion to offende by no dede that he shall do / though hit be good, as gyuyng of almes, or buyldynge of churches / or such other: which if the people iuged to be done of pryde & vaine glory, muste be lefte for a tyme / for hurtynge of them that be of that opinion, tylle they

maye

may be instructed of the intente of the dede. And if they wyll in no wyse be reformed/than bycause hit semeth to be of malice, as was in the phariseis: their iudgement may be dispysed, & the good dede contynued.

¶ Also where trouth shulde perysshe, if the good dede shulde be omytted, there a good dede is not to be omytted. And accordynge to that is sayde before/the blessed apostell saynte Paule, of a great zele that he hadde to the people sayde: If eatynge of flesshe shulde hurte my neyghbour/ I wolde neuer eate flesshe. And therfore in the sayd chapiter he monysshed all them, that wolde eate mete, that was offered to ydolles before them that were newly conuerted of the gentyles/ and that were yet but weke in the faythe: that they shulde beware, that though they knewe, that they myghte laufully do as they dydde, that yet they shuld take hede/that theyr brother were not offended therby. And in all that chapiter the holy apostel treateth moch that it is good to euery man to beware, that through his dede he gyue no occa-

sion to his brother to offende. And J beseche almyghty god/ that euery manne/ but moste specially our lordes and maysters spirituall/ maye hereafter endeuor them selfe to kepe wel this poynt, that is to say, that they do nothyng to gyue the people occasion to offend: and ouer that/ that they maye diligentely instructe the vnlerned people to the knowlege of the trouthe, and to stable them as well by doctryne as by good example, all singularite sette aparte. And for as moche as doctryne and good example perteyne moste specially to prelates and spirituall rulers/ therfore J shall brefely recite certayne auctorities/ that shall some what moue them to haue a zele and loue vnto the people. And also to be pyteous vnto them: And for shortenes J shall omytte for this tyme to shewe by whome the sayd auctorities were spoken, besechyng the reders to take hede to the wordes that be spoken/ thoughe hit appere not who speke them.

¶ Fyrst J fynde diuers auctorities that saye thus: Jt is expedient, that prelates study more to profyte the people, than to haue

haue preeminence ouer the people.

¶ Also J fynde wrytten / that thoughe punishment may not holly be omytted, that yet it profyteth moche / that hit be sometyme deferred.

¶ Also that it behoueth necessarily / that he that hathe rule ouer other, brenne euer in a quycke lyuely zele to the helth of theyr soules / that he hath rule of: And that els he shall lytell profyte vnto them. And therfore he coueteth vndiscretely to haue rule ouer them / that he studyeth not to profite vnto. And therfore this is sayde specially to prelates and to other that haue rule ouer the people: Rule ye, to forese the perylles and daungers of them that ye haue rule of, to counsaylle them to procure their helth, and to serue and to profite to other, as good faythful and wyse seruantes, whome our lorde hath ordeyned ouer his housholde. Plante ye vertue in them by holsomme doctryne / water it by good example, and helpe them with your prayour / and thā haue ye done that perteineth to you, and our lorde shall well gyue encrece of growynge, whan hit shall please hym / and

that parauenture there as after mannes iugement was farre vnlyke. These thre thynges therfore be very necessary / doctryne, example, and prayour, but the greatteſt of them is prayour. It is also ſaid to the prelates thus: Knowe ye, that ye oughte to be as mothers to the people/and not as lordes / and ye ought to ſtudye, rather to be belouede than dred: and if it be neceſſary ſome tyme to haue correction, that it be a fatherly correction/and not as it were of a tyraunte/ and ſhow your ſelfe as mothers in noriſſhynge of the people, and as fathers in correctyng them. Be meke/put away all fierſnes/ forbere betyng/ & ſpeke vnto the people faire & ſobre wordes: and ſet not your yock to greuouſly vpon thē/whoſe burdeins ye ought rather to bere. If ye be ſpiritual, inſtruct the people in the ſpirite of ſoftnes, & let eucry man conſidre hym ſelfe well / leeſt that he may be alſo tempted. He that is a mother dyſſemuleth not, he can ioye with them that ioye/wepe with them that wepe/and he wylle not ceaſſe to thruſte oute of the breſte of compaſſion the milke of conſola

tion.

tion. He taketh hede / if he can perceyue any mā, that is vexed with any gret tẽptacion or trouble, & that is heuy & weike therwith: And if he finde any such, with him he sorowcth / him louingly he entreateth / hym he cõforteth / & fyndeth anon many argumentes of pitye and truste / wherwith he reiseth hym vp agayne to comfort of spirite. And if he knowe any that is prompte, quicke, and well profitynge in grace, he ioyeth with hym / he gyueth hym many holsome counsayles, and kindeleth hym, and instructeth hiñ all that he can to perceuer and profyte euer fro better to better, he conformeth hym selfe to euery man, he torneth the affections of all men vnto hym selfe in all goodnes, and proueth him selfe verily to be a mother, as well of them that be offenders / as of them that profite in grace: And as a true leche he seketh as well them that be sycke as them that be hole / & all this he doth through the gift of pitie / & of a zele / that he hath to the helth of their soules. Also a good diligent shepeherd neuer ceasseth to fede his flocke with good lessons & examples, & that with his

owne example rather than with other mennes. For if he fede them with other mens examples, and not with his owne/ hit is but a rebuke vnto hym/ and his flocke shall not profyte moche therby. For if a prelate wyll shewe vnto the people the sobrenes of Moyses/the pacience of Job, the mercy of Samuell, the holynes of Dauid, and suche other examples of blessed men: and he hym selfe be vnmeke, vnpacient, vnmercyfulle, and not holy, it is to fere, that all those examples shall lytell profite. And therfore prelates that in tyme passed haue bene the verye trewe shepeherdes/ though they hadde theyr bodyes here of the erth, yet neuer the lesse they fed the flockes of our lorde to them commytted with heuenly fode, and vsed not to preache to them theyr owne wylle, but the wylle of god. And one man sayth of prelates this: Whan I (saythe he) beholde the heyght of the honour of prelacy, forthewith I drede the peryll and daunger of it. And whan I considre the degree, I drede the ruine. I consydre the heyghte of the dignitie, and I beholde forthwith the mouthe of

Helle

Delle open euen at hande. For there is no doubte/but that theyr administration is more peryllous/ than is the ministration of any other. But yet neuer the lesse if they administre wel/they shal get them selfe therby an hygh degree in heuen, and they shall receyue the greatter aboundance and more full measure of peace for theyr good trauayle for euer. And J beseche almyghtye god to sende these .iiii. thinges habundantly in to the worlde/ and that mooste specially amonge prelates, and spirituall rulers, that is to saye, zele of soules, pitie, good doctrine, and deuout prayour. And than vndoubtedly/ a newe lyght of grace, and of tractabilytie, shall shortely shewe and shyne amonge the people.

Thus endeth this Treatyse concernynge the diuision betwene the spiritualtie & the temporalte.

TABVLA.

yrste that the dyuysyon among spyrytuall men themselfe hath bene one cause of the dyuysion / that is nowe bytwene the spyrytualtye and temporalty in this realme.

The firste Chapiter.

That the omittynge of dyuers good lawes with certaine defautes and disorder in men of the church / which amonge other be recited and declared by Jhon Gerson: haue bene an other occasion of this diuysion.

The scconde Chapiter.

That certayne lawes made by the churche / wherin it is recited, quod laici sunt clericis infesti, that is to saye / that laye men be cruell to clerkes: hath bene an other cause of this dyuysion.

The thyrde Chapiter.

That the extreme lawes made by the church for leyenge violent handes vpon clerkes / haue bene an other cause of this dyuysion. The fourth Chapiter.

That

¶That the disordernynge of the generall sentence hath bene an nother occasion of the sayde diuision.

The fyfte Chapyter.

¶That an other occasion of this diuysion hath partly rysen by temporal men, through disordrynge of theyr chapleyns and chauntrye preestes.

The syxte Chapiter.

¶That sutes taken in the spiritual courtes (ex officio) haue ben an other occasyon of this diuision.

The seuenth Chapyter.

¶That though after the determination of doctours, a man is not an heretyke, for that only that he erreth, but for that he opinatyfely defendeth his errour, and that neuer the lesse the spiritualtie, as a commen voyce gothe amonge the people, haue in tyme paste punysshed many for heresie vpon lyght causes and offences, wherupon many people haue grudged, and that grudge hath ben an other occasion of this diuision.

The eyght Chapiter.

¶That the parcialite that hathe benne shewed vpon sutes taken in the spiritual courte

court by ſpirituall men, hath bene an nother cauſe of this diuiſion.

The nynthe Chapter.

That the extreme and couetous demeanour of ſom curates with theyr paryſſhens hath beue an other cauſe of this diuiſion. The tenth Chapiter.

That the grauntynge of pardons for money, as it were to ſomme charitable vſe, that hath not after folowed, hathe raiſed an other grudge amonge the people, whiche hath ben an other occaſion of this diuiſion.

The leuenth Capiter.

That the makynge of lawes by the churche whiche they had none auctorite to make, hath bene an other occaſion of this diuiſion.

The twelthe Chapiter.

That lacke of good viſitations hath ben an other occaſion of this diuiſyon.

The thyrtene Chapiter.

That the great multitude of lycences and diſpenſations made by ſpirituall rulers for money vppon lyghte ſuggeſtions hath ben an other cauſe of this diuiſion.

The fourtene Chapiter.

That

¶That the great laxnes and worldely pleasures of religious persons, wherby the people hath benne greatly offended, hath ben an other occasion of this diuysion. The fyftene Chapiter.

¶Than for a conclusion of this treatise it is somwhat touched, howe good it is to haue a zele of soules / and howe perilous it is to do any thyng, wherby they myght be hurted. And that if zele of soules, pitie, good doctrine, & deuoute prayour, were abundauntly in this worlde, mooste specially in prelates and spirituall rulers: that than a newe lyght of grace and tractabilite, wolde shortely shewe and shyne amonge the people. The.xvi. Chapiter.

☞ Londini in edibus Thome Bertheleti, prope aquagium sitis sub intersignio Lucrecie Romane excus.

CVM PRIVILEGIO.